



# STATE OF WISCONSIN

# Senate Journal

## One-Hundredth Regular Session

11:08 A.M.

TUESDAY, February 8, 2011

The Senate met.

The Senate was called to order by President Ellis.

### CALL OF ROLL

The roll was called, disclosing the presence of a quorum.

Pursuant to Senate Rule 15, the official attendance for session was:

Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Absent with leave – Senator S. Coggs – 1.

Absent – None – 0.

The Senate stood for a moment of silent meditation.

The Senate remained standing and Senator Zipperer led the Senate in the pledge of allegiance to the flag of the United States of America.

### LEAVES OF ABSENCE

Senator Miller, with unanimous consent, asked that Senator S. Coggs be granted a leave of absence for today's session.

Senator Miller, with unanimous consent, asked that Senator Erpenbach be granted a leave of absence for part of today's session.

### REPORT OF COMMITTEES

The committee on **Financial Institutions and Rural Issues** reports and recommends:

BILDSTEN, PETE, of Baraboo, as Secretary of the Department of Financial Institutions, to serve for the term ending at the pleasure of the Governor.

Confirmation.

Ayes, 5 – Senators Schultz, Lasee, Kapanke, Lassa and Vinehout.

Noes, 0 – None.

DALE SCHULTZ  
Chairperson

### REFERRALS AND RECEIPT OF COMMITTEE REPORTS CONCERNING PROPOSED ADMINISTRATIVE RULES

#### Senate Clearinghouse Rule 10–118

Relating to the Ice Age and North Country Trails.

Submitted by Department of Natural Resources.

Report received from Agency, February 4, 2011.

Referred to committee on **Natural Resources and Environment**, February 8, 2011.

### PETITIONS AND COMMUNICATIONS

#### State of Wisconsin Department of Transportation

February 3, 2011

The Honorable, the Legislature:

Please accept this letter as notice that the Department of Transportation intends not to promulgate [Clearinghouse Rule 09–044](#), which proposed the creation of ch. [Trans 123](#), Wisconsin Administrative Code, relating to registration of non-standard vehicles, as provided in s. [227.14\(6\)\(b\)](#), Wis. Stats. The Department of Transportation hereby withdraws [Clearinghouse Rules 09–044](#), effective immediately.

Sincerely,  
MARK GOTTLIEB  
Secretary

### ADVICE AND CONSENT OF THE SENATE

HAMBLIN, GARY, of Madison, as Secretary of the Department of Corrections, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes – Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 31.

Noes – None.

Absent or not voting – Senators S. Coggs and Erpenbach – 2.

Confirmed.

Senator Erpenbach, with unanimous consent, asked to be recorded as voting Aye on the question of the appointment of Gary Hamblin.

**NICKEL, TED**, of Merrill, as Commissioner of the Office of the Commissioner of Insurance, to serve for the term ending at the pleasure of the Governor.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, Cowles, T. Cullen, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Hansen, Harsdorf, Holperin, Hopper, Jauch, Kapanke, Kedzie, C. Larson, Lasee, Lassa, Lazich, Leibham, Miller, Moulton, Olsen, Risser, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 32.

Noes – None.

Absent or not voting – Senator S. Coggs – 1.

Confirmed.

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## SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

### Senate Bill 7

Relating to: automobile insurance coverage limits, permissible policy provisions, and proof of financial responsibility.

Read a second time.

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#### IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senator Olsen in the chair.

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#### IN THE CHAIR

Pursuant to Senate Rule 2 (1), Senate President Pro Tempore Leibham in the chair.

Senator Carpenter moved rejection of Senate amendment 1 to **Senate Bill 7**.

The question was: Rejection of Senate amendment 1 to **Senate Bill 7**?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 21; absent or not voting, 1; as follows:

Ayes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser and Wirch – 11.

Noes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 21.

Absent or not voting – Senator S. Coggs – 1.

Rejection refused.

The question was: Adoption of Senate amendment 1 to **Senate Bill 7**?

Adopted.

The question was: Adoption of Senate amendment 2 to **Senate Bill 7**?

Adopted.

Senator Lasee moved rejection of Senate amendment 3 to **Senate Bill 7**.

The question was: Rejection of Senate amendment 3 to **Senate Bill 7**?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 22.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser and Wirch – 10.

Absent or not voting – Senator S. Coggs – 1.

Rejected.

Senator Lasee moved that Senate amendment 4 to **Senate Bill 7** be laid on the table.

The question was: Shall Senate amendment 4 to **Senate Bill 7** be laid on the table?

The ayes and noes were required and the vote was: ayes, 23; noes, 9; absent or not voting, 1; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 23.

Noes – Senators Carpenter, Erpenbach, Hansen, Jauch, C. Larson, Lassa, Miller, Risser and Wirch – 9.

Absent or not voting – Senator S. Coggs – 1.

Tabled.

Senate amendment 5 to **Senate Bill 7** offered by Senators Carpenter, Taylor, C. Larson and Hansen.

Senator Lasee moved that Senate amendment 5 to **Senate Bill 7** be laid on the table.

The question was: Shall Senate amendment 5 to **Senate Bill 7** be laid on the table?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Vinehout, Vukmir, Wanggaard and Zipperer – 20.

Noes – Senators Carpenter, T. Cullen, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser, Taylor and Wirch – 12.

Absent or not voting – Senator S. Coggs – 1.

Tabled.

Senate amendment 6 to **Senate Bill 7** offered by Senators C. Larson and Carpenter.

Senator Lasee moved that Senate amendment 6 to **Senate Bill 7** be laid on the table.

The question was: Shall Senate amendment 6 to **Senate Bill 7** be laid on the table?

The ayes and noes were required and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes – Senators Cowles, T. Cullen, Darling, Ellis, S. Fitzgerald, Galloway, Grothman, Harsdorf, Hopper, Kapanke, Kedzie, Lasee, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard and Zipperer – 22.

Noes – Senators Carpenter, Erpenbach, Hansen, Holperin, Jauch, C. Larson, Lassa, Miller, Risser and Wirch – 10.

Absent or not voting – Senator S. Coggs – 1.

Tabled.

Ordered to a third reading.

Senator S. Fitzgerald, with unanimous consent, asked that the bill be considered for final action at this time.

#### **Senate Bill 7**

Read a third time.

The question was: Shall **Senate Bill 7** be passed?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 1; as follows:

Ayes – Senators Cowles, Darling, Ellis, Erpenbach, S. Fitzgerald, Galloway, Grothman, Harsdorf, Holperin, Hopper, Kapanke, Kedzie, Lasee, Lassa, Lazich, Leibham, Moulton, Olsen, Schultz, Taylor, Vinehout, Vukmir, Wanggaard, Wirch and Zipperer – 25.

Noes – Senators Carpenter, T. Cullen, Hansen, Jauch, C. Larson, Miller and Risser – 7.

Absent or not voting – Senator S. Coggs – 1.

Passed.

Senator Fitzgerald, with unanimous consent, asked that all action be immediately messaged to the Assembly:

#### **Senate Bill 7**

Messaged.

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#### **IN THE CHAIR**

Senate President Ellis in the chair.

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### **ANNOUNCEMENTS, ADJOURNMENT HONORS, AND REMARKS UNDER SPECIAL PRIVILEGE**

Senator Miller, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Mark Slack, of Lodi, who passed away recently due to a tragic accident. Mr. Slack was a co-owner of Slack's Jelly Farm in West Point. He was a community leader and he loved the outdoors. Mark will be missed by his family and countless friends.

Senator Hansen, with unanimous consent, asked that when the Senate adjourn, it do so in honor of Green Bay Packers, who won their 4th Super Bowl on Sunday. They battled through a season filled with adversity to bring the Vince Lombardi Trophy back to Titledown.

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### **ADJOURNMENT**

Senator S. Fitzgerald, with unanimous consent, asked that the Senate stand adjourned until Thursday, February 10, 2011.

Adjourned.

12:48 P.M.